

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: SCOTT C. HANNON

**CASE NO. 13-13814-NPO
CHAPTER 7**

RALPH M. BILLINGSLEY

PLAINTIFF

VS.

ADVERSARY PROCEEDING NO. _____

SCOTT C. HANNON

DEFENDANT

COMPLAINT FOR EXCEPTION TO DISCHARGE

COMES NOW Plaintiff Ralph M. Billingsley, through counsel, and for his Complaint for Exception to Discharge, states:

THE PARTIES

1. Scott C. Hannon ("Debtor") initiated a Chapter 7 Proceeding by the filing of a Voluntary Petition on September 16, 2013, ("Petition Date").

2. Ralph M. Billingsley ("Plaintiff"), is a creditor of the Debtor, and, thus, has standing to bring this action, under 11 U.S.C. §523(c)(1) and Rule 4007(a) *Federal Rules of Bankruptcy Procedure*.

JURISDICTION

3. This Court has jurisdiction over the subject matter and the parties to this action pursuant to 28 U.S.C. §1334 and 28 U.S.C. §157. This matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(I). The Court has the power and authority to enter a final judgment in this proceeding.

BACKGROUND

4. Plaintiff Ralph M. Billingsley and Amy Diane Billingsley were duly and legally married to each other on the 18th day of August, 1995, in Clay County, Mississippi.

5. Debtor Scott C. Hannon has committed adultery with Amy Diane Billingsley, the Plaintiff's wife, during the time the Plaintiff and his wife were married, which conduct is wrongful.

6. As a direct and proximate result of the aforesaid wrongful conduct on the part of the Debtor, Scott C. Hannon, Plaintiff has lost the affection and consortium of his wife, Amy Diane Billingsley. The actions of the Debtor were willful and malicious.

7. The actions of the Debtor, Scott C. Hannon, in denying to Plaintiff the affection and consortium of his wife, Amy Diane Billingsley, were oppressive, malicious, outrageous, and were done with a conscious reckless disregard for the known rights of the Plaintiff without just cause or excuse and in so acting, the Debtor, Scott C. Hannon, intended to harm and did vex, injure and annoy the Plaintiff, acting with the elements of aggression and coloring of insult, malice and gross negligence.

8. The actions of the Debtor caused losses and injury to the Plaintiff.

9. The losses and injuries suffered by the Plaintiff were a proximate result of the actions by the Debtor.

COUNT

10. The willful and malicious actions of the Debtor, Scott C. Hannon, are the proximate cause of injury to the Plaintiff and damages resulting therefrom. These damages should be excepted from discharge pursuant to 11 U.S.C. §523 (a)(6) and other applicable law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Ralph M. Billingsley prays for an order of this Court finding that the damages suffered by him resulting from willful and malicious injuries caused by the Debtor be excepted from discharge pursuant to 11 U.S.C. §523 (a)(6) and other applicable law, and for all other proper relief to which Plaintiff may be entitled.

RESPECTFULLY SUBMITTED, this, the 7th day of March, 2014.

RALPH M. BILLINGSLEY

By: /s/ Harold H. Mitchell, Jr.
HAROLD H. MITCHELL, JR., MSB NO. 3368
Attorney for Ralph M. Billingsley

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, **Harold H. Mitchell, Jr.**, hereby certify that I have this date filed the above and foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the to the following:

Office of the U. S. Trustee (USTPRegion05.AB.ECF@usdoj.gov)

R. Gawyn Mitchell, Esq. (rgmnotices@gmail.com)

Selene D. Maddox, Esq., Trustee (selenemaddox@gmail.com)

I hereby certify that on March 7, 2014, I mailed, by United States Postal Service, the foregoing document to the following non-ECF participant:

Scott C. Hannon
33 Sagamore Circle
Columbus, MS 39705

DATED, this, the 7th day of March, 2014.

/s/ Harold H. Mitchell, Jr.
HAROLD H. MITCHELL, JR.